

Serial No.: 10/707,509  
Attorney Docket No.: F-730-O1

Patent

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**REMARKS****1. Status of Claims**

Claims 1-29 were pending in the application with claims 1-13 withdrawn from consideration by the Examiner. Applicants have amended claims 14, 21 and 26 and canceled claims 1-13 without prejudice or disclaimer. Applicants have added new claims 30-32. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 14-32 will remain pending in the application.

**2. Claim Objections**

In section 2 of the Office Action, the Examiner objected to claim 26 due to a typographical error. Applicants have amended claim 26 for cosmetic reasons to correct the typographical error and therefore respectfully request that the Examiner withdraw the objection.

**3. Rejections under 35 USC § 102**

In section 4 of the Office Action, the Examiner rejected Claims 14-17, 21-24, 28 and 29 under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2003/0101148 A1 (sic) by Montgomery, et al. ("Montgomery '148").

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended claims 14 and 21 and the rejection is moot. Applicants respectfully submit that the cited reference does not teach or suggest at least a print success indicator and more specifically does not teach or suggest:

"receiving a print success indicator for the shipping label having a first identifier, wherein the print success indicator comprises a response or a default indication if no response is received within an allocated response time period."

Dependent claims 15-17, 22-23 and 28-29 are patentable over the cited reference for at least the same reasons described above with reference to the associated independent claim and any intervening claims.

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Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 14-17, 21-24, 28 and 29.

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**4. Rejections under 35 USC § 103(a)**

In section 13 of the Office Action, the Examiner rejected Claims 18 and 25 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent Application Publication No. 2003/0101148 A1 (sic) by Montgomery, et al. ("Montgomery '148").

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended independent claims 14 and 21 and the rejection is moot. Applicants respectfully submit that dependent claims 18 and 25 are patentable over the cited reference for at least the same reasons described above with reference to the associated independent claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 18 and 25.

In section 15 of the Office Action, the Examiner rejected Claims 19, 20, 26 and 27 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent Application Publication No. 2003/0101148 A1 (sic) by Montgomery, et al. ("Montgomery '148") in view of U.S. Patent No. 6,032,138 to McFiggans, et al. ("McFiggans '138").

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended independent claims 14 and 21 and the rejection is moot. Applicants respectfully submit that dependent claims 19, 20, 26 and 27 are patentable over the cited reference for at least the same reasons described above with reference to the associated independent claims.

Furthermore, one of skill in the art would not look to McFiggans '138 to modify Montgomery '148 as suggested and respectfully submit the Examiner is resorting to the use of impermissible hindsight. Here, Montgomery '148 contemplates fraud detection using only duplicate detection and in no way considers or contemplates any problem with time based fraud detection. For example, it might take a forger more time between printing a large batch of forgeries and using such in a mail stream and thus presenting an interesting fraud detection mechanism not recognized in the cited

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art, but possible with the instant invention as presently claimed. However, a system such as taught in Montgomery '148 teaching only positive duplicate detection could never solve such a problem. Furthermore, Montgomery '148 teaches away from the combination by explicitly stating that the system described necessarily only works with 100% positive tracking ID scanning. See Montgomery '148 at paragraph 83. Accordingly, Applicants respectfully submit that the cited references are not properly combined.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 19, 20, 26 and 27.

Applicants respectfully submit that new dependent claims 30-32 are patentable over the cited references for at least the reasons described above with reference to the associated independent claim. Accordingly, Applicants respectfully submit that claims 14-32 are in condition for allowance.

#### **5. Conclusion Of Remarks**

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

#### **6. Authorization**

No fee is believed due with this Communication. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-730-O1.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition

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for that extension of time that is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-730-O1.

Respectfully submitted,



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